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RUEHDR/AMEMBASSY DAR ES SALAAM 1163
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C O N F I D E N T I A L KIGALI 000475

SIPDIS

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TAGS: PREL PGOV PHUM RW
SUBJECT: MILITARY PROSECUTOR ON CASE AGAINST FOUR SOLDIERS

REF: KIGALI 0415

Classified By: Ambassador Michael Arietti for Reason 1.4 (b) (d)

¶11. (C) Summary. Investigation proceeds against the four soldiers arrested for the killing of Catholic clergymen in 1994 -- two have confessed their role in the killings, two maintain their innocence. No other cases of revenge killings appear to be under consideration by the military prosecutor. While senior Rwandan clergymen implicated in the genocide lost their lives in the attack, so did ordinary Rwandans with no role at all in the mass killings -- an object lesson in why military forces should never take the law into their own hands. End summary.

¶12. (C) Pol/econ chief met July 7 with Captain Kayijuka Ngabo, acting head of the military prosecution service, to discuss the case against four Rwandan soldiers arrested mid-June for the killing of Catholic clergy in June 1994 (reftel). Ngabo described the investigation as "ongoing," and said that his efforts now centered on the two officers who had been charged with "command responsibility" for the murders. The two lower-ranking officers had confessed to the shooting of the clergymen during extensive interrogations in isolation from each other, after being confronted with both the testimony of others present at the killings, and their own contradictory statements. While his office would continue to amass evidence against the two soldiers who pulled the trigger, "as they can always try to withdraw their guilty pleas," the investigation was now intent on "drawing in" the two higher-ranking officers. The two lower-ranking officers had not implicated their two superiors, he added.

¶13. (C) Ngabo declined to indicate just how long his office had been investigating the case, but noted that International Criminal Tribunal for Rwanda (ICTR) investigators had turned over useful investigation materials from the ICTR's own efforts in the case. Sketching out the murder scene, Ngabo said the killers had been four in number, with two now deceased (one shot and killed at the scene, one dying later of unrelated causes). The killers shot fifteen persons, three bishops, several priests, and a number of lay brothers.

Two Rwanda Patriotic Army officers were holding a meeting with the bishops when the killers entered, Ngabo said, and had dived out of the way to escape the barrage of shots from the gunmen. According to Ngabo, the killers had been surprised to find "so many people in the room," most of whom they had no original intention of killing. Lacking either the time or the presence of mind to distinguish those they sought to kill from those they did not, the soldiers simply killed them all, said Ngabo. The soldiers had previously formed the intent to kill the three bishops, and "some

priests," but had no clear idea who was who when they entered the room.

¶4. (C) Taking issue with statements by some senior Rwandan officials, who have asserted that those killed that day had all been active or complicit in the genocide, Ngabo said that several of those killed had not been suspected of involvement in any killings. They had simply been in the wrong place at the wrong time. When asked if the investigation would lead to other suspects or other arrests, Ngabo said he "did not know." Equally, when asked if there were other cases of alleged revenge killings that his office might bring to court or begin to investigate, he said, "I do not know." Ngabo said his focus was on "this case," which he expected to bring to court by mid-August. The four soldiers had retained civilian counsel, he noted, and he expected a vigorous defense on behalf of the two more senior officers.

¶5. (C) Comment. As noted reftel, the killing of the Catholic bishops has been the subject of negotiations between the ICTR and the Rwandans for some time. As Ngabo seemed unaware of (or was unwilling to discuss) any additional prosecutions for revenge killings by Rwandan troops, his office does not seem to have been given a free hand beyond this particular incident. However, this case will make an excellent object lesson on why military forces should never take the law into their own hands -- not only did senior Catholic clergymen implicated in the genocide lose any right to defend themselves, but ordinary Rwandans will no role at all in the killings suffered an ignominious and unjust end.
End comment.

ARIETTI